

**From:** Patrick Ash  
**To:** microsoft.atr(a)usdoj.gov  
**Date:** 1/24/02 1:48pm  
**Subject:** Microsoft Settlement

I am writing this letter to express my concern over the proposed settlement in the Microsoft vs. The Department of Justice suit. There is no doubt about the guilt of Microsoft, yet I find it very strange that Microsoft is able to dictate the terms of its own penalty.

It seems very ironic to me that when found guilty of being a monopoly, Microsoft decides to make amends by providing \$1 Billion of its software to schools. This idea has several flaws. First, the idea that Microsoft can value something it controls at \$1 Billion, is ludicrous. The valuation is certainly the full retail price, while in actuality the only cost to Microsoft is that of producing the media. Certainly this is a very small percentage of the retail cost.

Next, allowing a monopolist to further propagate that monopoly with government blessing seems to be the height of oxymoron. How does one punish someone for monopolistic and anti-competitive practices by allowing them to force others into the Microsoft herd.

I suggest the following as a settlement alternative.

1. If Microsoft wants to claim to be spending \$1 Billion to settle the lawsuit, require them to put \$1 Billion into a trust that the schools can draw from to choose their own hardware and software.
2. Require Microsoft to admit their guilt publicly.
3. Require Microsoft to refund the cost of the operating system in accordance with the terms of the End User License Agreement (EULA) to all of the users who were forced to pay for a Windows Operating System on new computers they bought. The EULA states that if the user does not agree with the terms of the agreement, then he/she should return the product for refund, yet Microsoft refused to allow users to do this.

As an IT professional, I have seen many users who do not realize that

there is any choice but Microsoft. I believe that they have abused the power of their position in the market, and I agree that there needs to be some severe punishment. I urge you to reject the proposed settlement and impose something that will require Microsoft to actually pay for their abuses. Thank you.

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